

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

CHERYL COLLINS,)	
)	
Plaintiff,)	Civil No. 10-6266-HO
)	
v.)	ORDER
)	
SAFEWAY, INC., a foreign)	
corporation,)	
)	
Defendant.)	

Plaintiff, Cheryl Collins brings this action alleging unlawful employment practices under ORS §§ 659A.030 and 659A.150. Defendant moves to dismiss contending that the claims are untimely. Plaintiff has not responded to the motion.

The record indicates that plaintiff filed a complaint with the Oregon Bureau of Labor and Industries (BOLI) on December 16, 2009. BOLI dismissed the complaint on March 23, 2010 and issued a right to sue letter on that date. Plaintiff filed the instant complaint

in the Circuit Court for the State of Oregon, County of Deschutes on June 23, 2010.

Under ORS § 659A.880, any right to bring a civil action will be lost if the action is not commenced within 90 days of the date of mailing of the right to sue letter from BOLI. Plaintiff instituted this action two days beyond the allowable time for filing. Accordingly, the motion to dismiss is granted.

CONCLUSION

For the reasons stated above, defendant's motion to dismiss (#4) is granted and this action is dismissed.

DATED this 10th day of November, 2010.

s/ Michael R. Hogan
United States District Judge